


GREENVILLE POLICE DEPARTMENT POLICY AND PROCEDURES MANUAL		
<b>Chapter 55</b>	<b>Victim / Witness Assistance</b>	
<b>Date Initially Effective 11/17/94</b>	<b>By The Order Of:</b>  <b>Hassan Aden, Chief of Police</b>	
<b>Date Revised 07/30/13</b>	<b>Date Reissued 07/30/13</b>	<b>Page 1 of 6</b>

### 55.1.1 SUMMARY OF VICTIMS' RIGHTS

CALEA Standard: 55.1.1

The Greenville Police Department shall aid those persons victimized by crime and violence by working to ease their participation in the criminal justice system and by providing compassion, support, and fair treatment to them in their time of crisis. The Greenville Police Department is committed to making every reasonable effort possible to ensure that victims and other witnesses receive professional service consistent with their important investigative and prosecutory role.

Greenville Police Department personnel shall make a thorough effort to ensure that the rights of people victimized by crime and violence are upheld as provided by law. The Greenville Police Department supports, advocates, and advises victims of the following rights through the distribution of a VICTIM/WITNESS ASSISTANCE CARD:

- The right to immediate medical assistance and to protection from intimidation and harm
- The right to receive information about pending cases and about the criminal justice process, and to be provided due process in court proceedings
- The right to counsel
- The right to preservation of property and employment
- The right to restitution and indemnity
- The right to fair, compassionate, and dignified treatment
- The right to have a Victim Impact Statement prepared for consideration by the court

#### **Treatment Due Victims/Witnesses and Responsibilities of Law Enforcement**

Greenville Police Department personnel shall work to protect and defend the rights of victims whenever possible and will follow the guidelines of Article 45 of the Criminal Procedure Act under the General Statutes of North Carolina that provide for the fair treatment of victims and witnesses.

In accordance with N.C.G.S. 15A-824, 15A-825, 15A-830, and 15A-831, the Greenville Police Department shall fulfill statutory agency responsibilities relative to a victim to the extent reasonably possible and subject to available resources. This may include direct action by the Department or referral to the appropriate statutory authority. As soon as practicable, but within 72 hours after identifying a victim covered by this statute, appropriate Department personnel shall make a reasonable effort to ensure each victim and witness within their jurisdiction is provided with the following:

- Information regarding immediate medical assistance when needed and is not detained for an unreasonable length of time before having such assistance administered.
- Information about available protection from harm and threats of harm arising out of cooperation with law enforcement prosecution efforts, and receives such protection.

- The expeditious return of recovered stolen or other personal property when it is no longer needed as evidence, and its return would not impede an investigation or prosecution of the case. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property whose ownership is disputed, should be photographed and returned to the owner within a reasonable period of time after being recovered by law enforcement officials.
- Appropriate employer intercession services to seek the employer's cooperation with the criminal justice system and minimize the employee's loss of pay and other benefits resulting from such cooperation whenever possible.
- The address and telephone number of the District Attorney's office that will be responsible for prosecuting the victim's case.
- Whenever practical, a secure waiting area during court proceedings that does not place the victim or witness in close proximity to defendants and families or friends of defendants.
- Information concerning the procedures to be followed to apply for and receive any appropriate or victim compensation and the address and telephone number of the agency responsible for dispensing the funds.
- The opportunity to be present during the final disposition of the case or is informed of the final disposition of the case, if the victim has requested to be present or informed.
- Notification, whenever possible, that a court proceeding to which he/she has been subpoenaed will not occur as scheduled.
- Where applicable, a Victim Impact Statement prepared for consideration by the court.
- Information concerning any civil remedies that may be available and any statutes of limitation that may apply in civil cases.
- Information relative to an opportunity of an accused for pretrial release.
- Notification, before a proceeding is held at which the release of the offender from custody is considered, if the crime for which the offender was placed in the custody is a Class G or more serious felony.
- Notification, if the offender escapes from custody or is released from custody, if the crime for which the offender was placed in custody is a Class G or more serious felony.
- The name and telephone number of an investigating law enforcement agency employee whom the victim may contact if the victim has not been notified of an arrest in the victim's case or, when an arrest has been made, if the victim wants to determine whether the accused has been released from custody.
- Any forms on which the victim can indicate whether he/she wishes to receive any further notices from the investigating agency. It shall be the victim's responsibility to maintain a current name, address, and telephone number with the investigating agency if the victim wishes to continue receiving notices.
- All guarantees in this section extended to his/her family members in the case of homicide victims

As soon as practical, but within 72 hours after the arrest of a person believed to have committed a crime covered by this article, the arresting law enforcement agency shall inform the investigating law enforcement agency of the arrest. As soon as practical but within 72 hours of being notified of the arrest the investigating law enforcement agency shall:

- Notify the victim of the arrest
- Forward to the district attorney's office that will be responsible for prosecuting the case, the victim's name, address, date of birth, social security number, race, sex and telephone number, unless the victim refuses to disclose any or all of the information, in which case, the investigating law enforcement agency shall so inform the district attorney's office.

#### **Victim/Witness Assistance Activities**

The Greenville Police Department is committed to the development, implementation, and continuation of victim/witness assistance programs and activities. Department personnel will support those endeavors and provide assistance and referrals when appropriate.

The Department's commitment and role in victim/witness activities is defined as follows:

- To facilitate victim/witness access to available advocate and community resources
- To provide current case information, make referrals, and provide other support to victims and witnesses

The Department is aware of and sensitive to the particular issues and special needs that affect the victims and families of crimes such as domestic violence, child abuse, sexual assault, and abuse of the elderly. Because of the effect these types of crimes have on the delicate structure of the family unit and the community in general, the Greenville Police Department has established the Special Victims Unit. Within this unit, police officers/investigators serve in specialized assignments to more effectively assist with criminal issues relative to juveniles and women and to provide School Resource Officers for middle and high schools within the jurisdiction, and victim/witness assistance in general.

#### **Authority and Responsibility for Administering Victim/Witness Assistance**

The Special Victims Unit Sergeant has the authority and responsibility for administering and coordinating the role of the Greenville Police Department in formal victim/witness assistance programs. The role of victim/witness assistance within the organizational structure of the Department shall be an ongoing assignment within the Special Victims Unit of the Criminal Investigations Bureau.

All Department personnel, however, are charged with the responsibility of providing victim/witness assistance and notifications whenever appropriate. In order to fulfill the Department's role in victim/witness assistance, all personnel should be aware of those services currently available from other community resources and of those services that the Department can provide, as well as the notifications required under North Carolina law.

All Department personnel have the authority and responsibility to refer victims and witnesses to available community resources. Each employee shall have access through the unit supervisor to a copy of the *Pitt County Community Resource Directory* to assist them in providing referral information to victims and witnesses. Employees will be accountable for their assistance to victims and witnesses of crime.

### **55.1.2 ANALYSIS OF NEEDS**

#### **CALEA Standards: 55.1.2**

The Special Victims Unit will complete an analysis of victim/witness needs and available services at least every three years. The results of the analysis will be maintained by the Special Victims Unit and will be available to all Department personnel. The analysis shall include at a minimum:

- The extent and major types of victimization
- An inventory of information and service needs of victims/witnesses in general (including homicide or suicide survivors) and special victims, such as those victimized by domestic violence, abuse and neglect (especially children and the elderly), sexual crimes, and drunk drivers
- Victim assistance and related community services available within the service area
- Identification of all unfulfilled needs and the selection of those that are appropriate for the Department to meet

### **55.1.3 DEPARTMENTAL RESPONSE TO VICTIM/WITNESS NEEDS**

#### **CALEA Standard: 55.1.3**

To provide for and govern the implementation and delivery of victim/witness assistance services by Department personnel:

- The Special Victims Unit Sergeant shall review daily incident reports and determine which cases are appropriate for victim/witness follow-up and shall refer cases to Victim Advocate personnel as needed.

- The Special Victims Unit Sergeant or designee should be notified of referrals to any other Pitt County assistance program made by police officers.
- Referrals to other victim/witness assistance organizations may be made by employees in accordance with all other sections of this directive.

To ensure the confidentiality of records and files of victims/witnesses and their role in case development to the extent consistent with applicable law:

- No employee of the Greenville Police Department will release information concerning victims and/or witnesses to any person except as provided for by state law and by Chapter 54 of the Greenville Police Department Policy and Procedures Manual.
- Under the direction of the Logistics Division Commander and/or the Community Services Supervisor, personnel in the Records Section may provide a copy of the front page of the incident report containing non-confidential information about an incident or victim to the public as requested. The release of the information shall be pursuant to North Carolina General Statute 132-1.4. However, if in the opinion of the Chief of Police, appropriate bureau commander, unit supervisor, or investigating officer, the release of any information relative to a particular investigation jeopardizes the ongoing investigation or the emotional and/or physical well being of a victim or witness, such information may be withheld.

To govern efforts to periodically inform the media and the public about the Department's victim/witness assistance efforts and about other victim/witness services available in the local area, the Special Victims Unit Sergeant is responsible for ensuring the following victim/witness information is available and provided through Department operations:

- A summary of victim's rights according to N.C.G.S. 15A-824, and 15A-825
- A summary of available victim/witness assistance services

To govern the relationship between the Department and victim/witness efforts of other agencies and organizations:

- The Special Victims Unit Sergeant or designee will serve as the Department liaison with local and regional agencies and organizations that provide victim/witness assistance services.
- The Special Victims Unit Sergeant or designee shall determine the appropriateness of referrals and referral agencies based on accurate and up-to-date information obtained through this relationship.
- The Special Victims Unit Sergeant or designee shall provide an open channel of communications with other agencies and organizations to best benefit the victim/witness assistance efforts.

#### **55.1.4 TRAINING**

##### **CALEA Standard**

It shall be the responsibility of the Field Training Officers to ensure newly sworn police officers, under their supervision, receive training on victim/witness rights and needs, and on the levels of service available from the Greenville Police Department and from other organizations. Additionally, periodic training shall be provided to all sworn employees regarding victim/witness rights and needs by the Victim Witness Advocate.

#### **55.2.1 LEVELS OF SERVICE AVAILABLE FROM THE DEPARTMENT**

##### **CALEA Standard: 55.2.1**

The Greenville Police Department recognizes the periodic need for victim/witness assistance information between the victimization and the preliminary investigation. Greenville Police Department Communications Center personnel shall be responsible for providing a single point of contact to persons requesting victim/witness assistance when a police officer has not yet arrived or when a police officer cannot immediately contact the caller

or otherwise provide assistance. Such situations may occur when an investigator or patrol officer cannot be immediately assigned to a case, thereby creating a delay between victimization and initial contact with the victim/witness. All Department personnel shall be familiar with, and able to provide, at least the following levels of assistance 24-hours daily to persons requesting assistance:

- Information regarding victim/witness assistance supplied directly by the Greenville Police Department
- Referral information regarding services offered in the Greenville Police Department's jurisdiction by other organizations for victims in need of medical attention, counseling, and emergency financial assistance

## **55.2.2 PROVIDING ASSISTANCE TO VICTIMS**

CALEA Standard: 55.2.2, 55.2.3, 55.2.4, 55.2.5

The Greenville Police Department will provide appropriate assistance to persons who have been threatened or who express specific, credible reasons for fearing intimidation or further victimization. Assistance shall be provided through the Special Victims Unit Victim Advocates with the assistance of other Pitt County referral agencies as needed.

### **Assistance during the Preliminary Investigation**

When appropriate, police officers conducting preliminary investigations shall provide, at a minimum, information to victims and/or witnesses concerning the availability of assistance through the Greenville Police Department, as well as through other local agencies. The information may be provided by way of a VICTIM/WITNESS ASSISTANCE CARD that can be retained by the victim or witness. The information provided shall include:

- Information about services applicable to the situation such as counseling, medical attention, victim compensation programs, emergency financial assistance, victim advocacy
- Information about appropriate action to take if a suspect or suspect's companions or family threatens or otherwise intimidates the victim or witness
- Information concerning the case number (when available) and subsequent steps in the investigative process
- Telephone number(s) that the victim or witness may call to report additional information about the case or to receive additional information about the status of the case

### **Assistance during the Follow-up Investigation**

The Special Victims Unit Sergeant shall review daily incident reports and shall provide the following levels of victim/witness assistance as appropriate to the incident:

- Determine which cases are appropriate for victim/witness follow-up and assign cases to Victim Advocate personnel as needed
- If the impact of the crime is unusually severe, the investigator/advocate shall re-contact the victim periodically to determine if the victim's needs are being met.
- Without endangering the successful prosecution of the case, explain the court procedures and the role of the victim in its prosecution.
- If feasible, schedule lineups, interviews, and other required appearances at the convenience of the victim/witness. In special, unusually severe cases, provide transportation if available.
- If feasible, facilitate the prompt return of property belonging to the victim/witness taken as evidence (except contraband, disputed property, and weapons used in the course of a crime) where such return is permitted by law and the rules of evidence.
- When feasible, provide other appropriate assistance and/or refer the case to other organizations providing that victim/witness service is not available in the Greenville Police Department.

### **Assistance during Arrest and Processing of Suspect**

When an arrest is made in any case considered to be a major crime, the investigating police officer and/or a victim advocate shall contact the victim/witness whenever possible and inform them that an arrest has been made in the case and should advise the victim/witness as to the custody status of the suspect and the prospects for pre-trial release.

When feasible, police officers making arrests in other kinds of cases and/or a victim advocate should make a reasonable effort to contact the victim/witness and inform them that an arrest has been made in the case and should advise the victim/witness as to the custody status of the suspect and the prospects for pre-trial release.

### **55.2.3 NOTIFICATIONS TO NEXT OF KIN**

#### **CALEA Standard: 55.2.6**

The Greenville Police Department shall undertake the responsibility of notification of next-of-kin when such a need exists. When requested by other law enforcement agencies, the Greenville Police Department shall provide assistance to that agency and shall provide notification to the next-of-kin residing in this jurisdiction.

When notifications must be made to the immediate family of deceased, seriously injured, or seriously ill persons, the police officer responsible for the notification should be mindful of the impact of such notification and make every effort to see that the person to be notified has the company of a relative, clergy or close friend.

*Within the jurisdictional boundaries of the Greenville Police Department:*

- Notification will be made in person by a supervisory police officer of the Greenville Police Department whenever possible or designee; otherwise, the investigating police officer shall notify the next-of-kin.
- Notification will be made to either an adult family member or a close adult friend of the family.
- Special Victims Unit personnel are available to assist with notifications of next of kin if such assistance is deemed necessary by the investigating officer or supervisor in charge of an incident.

*When notifications of next-of-kin must be made outside the jurisdictional boundaries of the Greenville Police Department:*

- The agency having jurisdiction shall be requested to make the notification. If that agency cannot or is reluctant to make the notification, the on-duty Platoon Commander shall be advised and the on-duty Platoon Commander shall make contact with the Deputy Chief. The Deputy Chief shall contact the Chief of Police for a decision on how the notification will be made.
- Documentation shall be included with any report to indicate the agency notified, the date and time of the request, and the party contacted to make the notification.